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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/735,193	12/11/2003	Masanori Taketsugu	P/1878-186	2577
2352	7590	01/11/2006	EXAMINER	
OSTROLENK FABER GERB & SOFFEN 1180 AVENUE OF THE AMERICAS NEW YORK, NY 100368403			IQBAL, KHAWAR	
			ART UNIT	PAPER NUMBER
			2686	

DATE MAILED: 01/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.		Applicant(s)	
	10/735,193		TAKETSUGU, MASANORI	
	Examiner		Art Unit	
	Khawar Iqbal		2686	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>10/24/05</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-22 are rejected under 35 U.S.C. 102(e) as being unpatentable by Shimizu (20040235481).

3. Regarding **claim 1** Shimizu teaches a radio network controller for controlling a radio base station device for making a communication with a movable terminal through a radio link, comprising (figs. 1,4,7): a block for controlling said radio base station device, said block being physically divided into two subblocks, wherein a control dependent on a particular radio transmission scheme is performed only in one of said two subblocks (para. # 0019-0020 and 0035-0036).

Regarding **claim 2** Shimizu teaches a radio network controller for controlling a radio base station device for making a communication with a movable terminal through a radio link, comprising (figs. 1,4,7): first control means for performing a control independent of any radio transmission scheme (para. # 0019-0020 and 0035-0036); and second control means physically separated from first control means for performing

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a control dependent on a particular radio transmission scheme (para. # 0019-0020 and 0035-0036).

Regarding **claim 3** Shimizu teaches a radio network controller comprising: first control means for controlling a radio base station device for making a communication with a movable terminal through a radio link, and for controlling a transfer of a control signal or signaling (para. # 0019-0020 and 0035-0036); and second control means physically separated from said first control means for controlling a transfer of user data associated with said terminal, said second control means having a radio transmission scheme dependent control function (para. # 0019-0020 and 0035-0036).

Regarding **claim 4** Shimizu teaches a radio network controller for controlling a radio base station device for making a communication with a movable terminal through a radio link, comprising: first control means for performing a control related to terminal resources for said terminal; and second control means physically separated from said first control means for performing a control related to base station resources for said radio base station device.

Regarding **claims 5,6,7** Shimizu teaches wherein: said first control means comprises at least: common radio resource managing means for managing a radio access network environment to optimize a network load (para. # 0019-0020 and 0035-0036); and mobile controller for establishing and releasing a communication channel, and said second control means comprises at least: cell controller for controlling a permission to a radio access to each radio base station device, as well as congestion and assignment of said each radio base station device (para. # 0019-0020 and 0035-

0036); cell communication gateway for transmitting individual radio channel signals and multiplexing/demultiplexing common radio channel signals; and a user radio gateway for performing encryption and decryption of radio channels, compression of a header, multiplexing/demultiplexing, and a retransmission control (para. # 0019-0020 and 0035-0036).

Regarding **claim 8** Shimizu teaches a mobile communication system comprising at least: movable terminal; radio base station device for making a communication with said terminal through a radio link (para. # 0019-0020 and 0035-0036); and radio network controller for controlling said radio base station device, wherein said radio network controller has a block for controlling said radio base station device, said block being physically separated into two subblocks, such that a control dependent on a particular radio transmission scheme is performed only in one of said two subblocks (para. # 0019-0020 and 0035-0036).

Regarding **claim 9** Shimizu teaches a mobile communication system comprising at least: movable terminal; radio base station device for making a communication with said terminal through a radio link (para. # 0019-0020 and 0035-0036); and radio network controller for controlling said radio base station device, wherein said radio network controller is physically separated into first control means for performing a control independent of any radio transmission scheme, and second control means for performing a control dependent on a particular radio transmission scheme (para. # 0019-0020 and 0035-0036).

Regarding **claim 10** Shimizu teaches a mobile communication system comprising at least: movable terminal (para. # 0019-0020 and 0035-0036); radio base station device for making a communication with said terminal through a radio link; and radio network controller for controlling said radio base station device, wherein said radio network controller comprises first control means for controlling a transfer of user data associated with said terminal, and second control means physically separated from said first control means for controlling a transfer of a control signal or signalling, said second control means having a radio transmission scheme dependent control function (para. # 0019-0020 and 0035-0036).

Regarding **claim 11** Shimizu teaches a mobile communication system comprising at least: movable terminal; radio base station device for making a communication with said terminal through a radio link (para. # 0019-0020 and 0035-0036); and radio network controller for controlling said radio base station device, wherein said radio network controller comprises: first control means for performing a control related to terminal resources for said terminal (para. # 0019-0020 and 0035-0036); and second control means physically separated from said first control means, for performing a control related to base station resources for said radio base station device (para. # 0019-0020 and 0035-0036).

Regarding **claims 12-14** Shimizu teaches wherein: said first control means comprises at least: common radio resource managing means for managing a radio access network environment to optimize a network load (para. # 0019-0020 and 0035-0036); and mobile controller for establishing and releasing a communication channel,

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and said second control means comprises at least: cell controller for controlling a permission to a radio access to each radio base station device, as well as congestion and assignment of said each radio base station device; cell communication gateway for transmitting individual radio channel signals and multiplexing/demultiplexing common radio channel signals; and user radio gateway for performing encryption and decryption of radio channels, compression of a header, multiplexing/demultiplexing, and a retransmission control (para. # 0019-0020 and 0035-0036).

Regarding **claim 15** Shimizu teaches a method of controlling a radio base station device in a radio network controller, said method comprising the steps of: physically separating a block for controlling said radio base station device into two subblocks (para. # 0019-0020 and 0035-0036); and performing a control dependent on a particular radio transmission scheme only in one of said two subblocks (para. # 0019-0020 and 0035-0036).

Regarding **claim 16** Shimizu teaches a method of controlling a radio base station device in a radio network controller, said method comprising the steps of: controlling said radio base station device independently of any radio transmission scheme in first control means; and controlling said radio base station device depending on particular radio transmission scheme in second control means physically separated from said first control means (para. # 0019-0020 and 0035-0036).

Regarding **claim 17** Shimizu teaches a method of controlling a radio base station device in a radio network controller, said radio network controller having first control means for controlling a transfer of a control signal or signaling (para. # 0019-0020 and

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0035-0036), and second control means physically separated from said first control means for controlling a transfer of user data related to a movable terminal, said method comprising the step of: performing a control dependent on a particular radio transmission scheme only in said second control means (para. # 0019-0020 and 0035-0036).

Regarding **claim 18** Shimizu teaches a method of controlling a radio base station device in a radio network controller, comprising the steps of: performing a control related to terminal resources for said terminal in first control means; and performing a control related to base station resources for said radio base station device in second control means physically separated from first control means (para. # 0019-0020 and 0035-0036).

Regarding **claim 19** Shimizu teaches a method of controlling said radio base station device in a mobile communication system having at least a movable terminal, said radio base station device for making a communication with said terminal through a radio link, and a radio network controller for controlling said radio base station device, said method comprising the steps of: physically separating a block for controlling said radio base station device in said radio network controller into two subblocks (para. # 0019-0020 and 0035-0036); and performing a control dependent on a particular radio transmission scheme only in one of said two subblocks (para. # 0019-0020 and 0035-0036).

Regarding **claim 20** Shimizu teaches a method of controlling said radio base station device in a mobile communication system having at least a movable terminal, a

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radio base station device for making a communication with said terminal through a radio link, and a radio network controller for controlling said radio base station device (para. # 0019-0020 and 0035-0036), comprising the steps of: controlling said radio base station device independently of any radio transmission scheme in first control means provided in said radio network controller; and controlling said radio base station device depending on a particular radio transmission scheme in second control means provided in said radio network controller and physically separated from said first control means (para. # 0019-0020 and 0035-0036).

Regarding **claim 21** Shimizu teaches a method of controlling said radio base station device in a mobile communication system having a radio network controller including first control means for controlling a transfer of a control signal or signaling (para. # 0019-0020 and 0035-0036), and second control means for controlling a transfer of user data related to a movable terminal, said radio network controller being configured to control a radio base station device for making a communication with said terminal through a radio link, comprising the step of: performing a control dependent on a particular radio transmission scheme only in said second control means (para. # 0019-0020 and 0035-0036).

Regarding **claim 22** Shimizu teaches a method of controlling said radio base station device in a mobile communication system having at least a movable terminal, said radio base station device for making a communication with said terminal through a radio link (para. # 0019-0020 and 0035-0036), and a radio network controller for controlling said radio base station device, comprising the steps of: performing a control

related to terminal resources for said terminal in first control means provided in said radio network controller; and performing a control related to base station resources for said radio base station device in second control means provided in said radio network controller and physically separated from first control means (para. # 0019-0020 and 0035-0036).

Conclusion

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Khawar Iqbal whose telephone number is (571) 272-7909.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Marsha D. Banks-Harold can be reached on (571) 272-7905. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or 703-305-3028.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist/customer service whose telephone number is (571) 272-2600.

Marsha D Banks-Harold

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